
SENATE BILL 5977

State of Washington

54th Legislature

1995 Regular Session

By Senators Loveland, Haugen, Long, Smith and Winsley

Read first time 02/20/95. Referred to Committee on Government Operations.

1 AN ACT Relating to forensic investigations; amending RCW 43.43.670,
2 43.103.010, 43.103.020, 43.103.030, 43.103.040, 43.103.050, 43.103.070,
3 43.103.090, 43.79.445, 68.50.107, 82.14.310, and 82.14.320; and
4 reenacting and amending RCW 82.44.110.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 **Sec. 1.** RCW 43.43.670 and 1980 c 69 s 2 are each amended to read
7 as follows:

8 There is created in the Washington state patrol a crime laboratory
9 system which is authorized to:

10 (1) Provide laboratory services for the purpose of analyzing and
11 scientifically handling any physical evidence relating to any crime.

12 (2) Provide training assistance for local law enforcement
13 personnel.

14 The crime laboratory system shall assign priority to a request for
15 services with due regard to whether the case involves criminal activity
16 against persons. The Washington state ((advisory)) forensic
17 investigations council ((on criminal justice services)) shall assist
18 the crime laboratory system in devising policies to promote the most

1 efficient use of laboratory resources consistent with this section and
2 shall prepare and submit the crime laboratory budget.

3 **Sec. 2.** RCW 43.103.010 and 1983 1st ex.s. c 16 s 1 are each
4 amended to read as follows:

5 The purposes of this act are declared by the legislature to be as
6 follows:

7 (1) To preserve and enhance the state crime laboratory, which is an
8 essential part of the criminal justice system in the state of
9 Washington;

10 (2) To fund the death investigation system and to make related
11 state and local institutions more efficient;

12 ~~((+2))~~ (3) To preserve and enhance the state toxicology laboratory
13 which is an essential part of the criminal justice and death
14 investigation systems in the state of Washington;

15 ~~((+3))~~ (4) To provide resources necessary for the performance, by
16 qualified pathologists, of autopsies which are also essential to the
17 criminal justice and death investigation systems of this state and its
18 counties;

19 ~~((+4))~~ (5) To improve the performance of death investigations and
20 the criminal justice system through the formal training of county
21 coroners and county medical examiners;

22 ~~((+5))~~ (6) To establish and maintain a dental identification
23 system; and

24 ~~((+6))~~ (7) To provide flexibility so that any county may establish
25 a county morgue when it serves the public interest.

26 **Sec. 3.** RCW 43.103.020 and 1983 1st ex.s. c 16 s 2 are each
27 amended to read as follows:

28 As used in this chapter, the following terms have the meanings
29 indicated unless the context clearly requires otherwise.

30 (1) "Council" means the Washington state ~~((death))~~ forensic
31 investigations council.

32 (2) "Crime laboratory" means the crime laboratory system created in
33 RCW 43.43.670.

34 (3) "Toxicology laboratory" means the Washington state toxicology
35 laboratory.

1 **Sec. 4.** RCW 43.103.030 and 1991 c 176 s 2 are each amended to read
2 as follows:

3 There is created the Washington state ~~((death))~~ forensic
4 investigations council. The council shall oversee the state toxicology
5 laboratory and, together with the president of the University of
6 Washington, control the laboratory's operation. The council may also
7 study and recommend cost-efficient improvements to the death
8 investigation system in Washington and report its findings to the
9 legislature.

10 Further, the council shall, jointly with the chairperson of the
11 pathology department of the University of Washington's School of
12 Medicine, or the chairperson's designee, oversee the state forensic
13 pathology fellowship program, determine the budget for the program and
14 set the fellow's annual salary, and take those steps necessary to
15 administer the program.

16 The council has sole authority to prepare and submit the budgets
17 for the state crime laboratory and state toxicology laboratory.

18 **Sec. 5.** RCW 43.103.040 and 1983 1st ex.s. c 16 s 4 are each
19 amended to read as follows:

20 The council shall consist of ~~((nine))~~ eleven members who shall be
21 selected as follows: One county coroner; one county prosecutor; ~~((one~~
22 ~~county prosecutor who also serves as ex officio county coroner;))~~ one
23 county medical examiner; one county sheriff; one chief of police; one
24 representative of the state patrol; ~~((one))~~ two members of a county
25 legislative authority; ~~((and one pathologist who is currently in~~
26 ~~private practice))~~ two members of a city legislative authority; and one
27 police officer or deputy sheriff.

28 All members shall be appointed to the council by the governor.

29 **Sec. 6.** RCW 43.103.050 and 1983 1st ex.s. c 16 s 5 are each
30 amended to read as follows:

31 All members of the council are appointed for terms of four years,
32 commencing on July 1 and expiring on June 30. However, of the members
33 appointed to the initial council, ~~((five))~~ six shall be appointed for
34 two-year terms and ~~((four))~~ five shall be appointed for four-year
35 terms. A person chosen to fill a vacancy created other than by the
36 natural expiration of a member's term shall be nominated and appointed
37 as provided in RCW 43.103.040 for the unexpired term of the member he

1 or she is to succeed. Any member may be reappointed for additional
2 terms.

3 **Sec. 7.** RCW 43.103.070 and 1983 1st ex.s. c 16 s 7 are each
4 amended to read as follows:

5 The council shall elect a chairman and a vice chairman from among
6 its members. ~~((Five))~~ Seven members of the council shall constitute a
7 quorum. The governor shall summon the council to its first meeting.
8 Otherwise, meetings may be called by the chairman and shall be called
9 by him or her upon the written request of five members of the council.
10 Conference calls by telephone are a proper form of meeting.

11 **Sec. 8.** RCW 43.103.090 and 1983 1st ex.s. c 16 s 9 are each
12 amended to read as follows:

13 The council ~~((has the following powers))~~ may:

14 (1) ~~((To))~~ Meet at such times and places as may be designated by a
15 majority vote of the council members or, if a majority cannot agree, by
16 the chairman;

17 (2) ~~((To))~~ Adopt rules governing the council and the conduct of its
18 meetings;

19 (3) ~~((To))~~ Require reports from the state toxicologist on matters
20 pertaining to the toxicology laboratory;

21 (4) ~~((To review and, if necessary, require changes in))~~ Require
22 reports from the commander of the crime laboratory on matters
23 pertaining to the crime laboratory;

24 (5) Prepare and submit the budget request of the crime laboratory
25 and the toxicology laboratory pursuant to RCW 43.88.030; and

26 ~~((+5) To))~~ (6) Do anything, necessary or convenient, which enables
27 the council to perform its duties and to exercise its powers.

28 **Sec. 9.** RCW 43.79.445 and 1991 sp.s. c 13 s 21 are each amended to
29 read as follows:

30 There is established an account in the state treasury referred to
31 as the "death investigations' account" which shall exist for the
32 purpose of receiving, holding, investing, and disbursing funds
33 appropriated or provided in RCW 70.58.107 and any moneys appropriated
34 or otherwise provided thereafter.

35 Moneys in the death investigations' account shall be disbursed by
36 the state treasurer once every year on December 31 and at any other

1 time determined by the treasurer. The treasurer shall make
2 disbursements to: The state toxicology laboratory, counties for the
3 cost of autopsies, the University of Washington to fund the state
4 forensic pathology fellowship program, the state patrol for providing
5 partial funding for the state dental identification system, the
6 criminal justice training commission for training county coroners,
7 medical examiners and their staff, and the state ((death)) forensic
8 investigations council.

9 The University of Washington and the Washington state ((death))
10 forensic investigations council shall jointly determine the yearly
11 amount for the state forensic pathology fellowship program established
12 by RCW 28B.20.426.

13 **Sec. 10.** RCW 68.50.107 and 1986 c 87 s 2 are each amended to read
14 as follows:

15 There shall be established at the University of Washington Medical
16 School a state toxicological laboratory under the direction of the
17 state toxicologist whose duty it will be to perform all necessary
18 toxicologic procedures requested by all coroners, medical examiners,
19 and prosecuting attorneys. Annually the president of the University of
20 Washington, with the consent of the state ((death)) forensic
21 investigations council, shall appoint a competent toxicologist as state
22 toxicologist who shall serve a one year term. The state toxicologist
23 may be reappointed to as many additional one year terms as the
24 president of the university and the ((death)) forensic investigations
25 council deem proper. The facilities of the police school of the
26 Washington State University and the services of its professional staff
27 shall be made available to coroners, medical examiners, and prosecuting
28 attorneys in their investigations under this chapter. This laboratory
29 shall be funded by disbursement from the class H license fees as
30 provided in RCW 66.08.180.

31 **Sec. 11.** RCW 82.14.310 and 1993 sp.s. c 21 s 1 are each amended to
32 read as follows:

33 (1) The county criminal justice assistance account is created in
34 the state treasury.

35 (2) The moneys deposited in the county criminal justice assistance
36 account for distribution under this section, less any moneys
37 appropriated for purposes under RCW 82.44.110, shall be distributed at

1 such times as distributions are made under RCW 82.44.150 and on the
2 relative basis of each county's funding factor as determined under this
3 subsection.

4 (a) A county's funding factor is the sum of:

5 (i) The population of the county, divided by one thousand, and
6 multiplied by two-tenths;

7 (ii) The crime rate of the county, multiplied by three-tenths; and

8 (iii) The annual number of criminal cases filed in the county
9 superior court, for each one thousand in population, multiplied by
10 five-tenths.

11 (b) Under this section and RCW 82.14.320 and 82.14.330:

12 (i) The population of the county or city shall be as last
13 determined by the office of financial management;

14 (ii) The crime rate of the county or city is the annual occurrence
15 of specified criminal offenses, as calculated in the most recent annual
16 report on crime in Washington state as published by the Washington
17 association of sheriffs and police chiefs, for each one thousand in
18 population;

19 (iii) The annual number of criminal cases filed in the county
20 superior court shall be determined by the most recent annual report of
21 the courts of Washington, as published by the office of the
22 administrator for the courts.

23 (iv) Distributions and eligibility for distributions in the 1989-91
24 biennium shall be based on 1988 figures for both the crime rate as
25 described under (ii) of this subsection and the annual number of
26 criminal cases that are filed as described under (iii) of this
27 subsection. Future distributions shall be based on the most recent
28 figures for both the crime rate as described under (ii) of this
29 subsection and the annual number of criminal cases that are filed as
30 described under (iii) of this subsection.

31 (3) Moneys distributed under this section shall be expended
32 exclusively for criminal justice purposes and shall not be used to
33 replace or supplant existing funding. Criminal justice purposes are
34 defined as activities that substantially assist the criminal justice
35 system, which may include circumstances where ancillary benefit to the
36 civil justice system occurs, and which includes domestic violence
37 services such as those provided by domestic violence programs,
38 community advocates, and legal advocates, as defined in RCW 70.123.020.
39 Existing funding for purposes of this subsection is defined as calendar

1 year 1989 actual operating expenditures for criminal justice purposes.
2 Calendar year 1989 actual operating expenditures for criminal justice
3 purposes exclude the following: Expenditures for extraordinary events
4 not likely to reoccur, changes in contract provisions for criminal
5 justice services, beyond the control of the local jurisdiction
6 receiving the services, and major nonrecurring capital expenditures.

7 **Sec. 12.** RCW 82.14.320 and 1993 sp.s. c 21 s 2 are each amended to
8 read as follows:

9 (1) The municipal criminal justice assistance account is created in
10 the state treasury.

11 (2) No city may receive a distribution under this section from the
12 municipal criminal justice assistance account unless:

13 (a) The city has a crime rate in excess of one hundred twenty-five
14 percent of the state-wide average as calculated in the most recent
15 annual report on crime in Washington state as published by the
16 Washington association of sheriffs and police chiefs;

17 (b) The city has levied the tax authorized in RCW 82.14.030(2) at
18 the maximum rate or the tax authorized in RCW 82.46.010(3) at the
19 maximum rate; and

20 (c) The city has a per capita yield from the tax imposed under RCW
21 82.14.030(1) at the maximum rate of less than one hundred fifty percent
22 of the state-wide average per capita yield for all cities from such
23 local sales and use tax.

24 (3) The moneys deposited in the municipal criminal justice
25 assistance account for distribution under this section, less any moneys
26 appropriated for purposes under RCW 82.44.110, shall be distributed at
27 such times as distributions are made under RCW 82.44.150. The
28 distributions shall be made as follows:

29 (a) Unless reduced by this subsection, thirty percent of the moneys
30 shall be distributed ratably based on population as last determined by
31 the office of financial management to those cities eligible under
32 subsection (2) of this section that have a crime rate determined under
33 subsection (2)(a) of this section which is greater than one hundred
34 seventy-five percent of the state-wide average crime rate. No city may
35 receive more than fifty percent of any moneys distributed under this
36 subsection (a) but, if a city distribution is reduced as a result of
37 exceeding the fifty percent limitation, the amount not distributed
38 shall be distributed under (b) of this subsection.

1 (b) The remainder of the moneys, including any moneys not
2 distributed in subsection (2)(a) of this section, shall be distributed
3 to all cities eligible under subsection (2) of this section ratably
4 based on population as last determined by the office of financial
5 management.

6 (4) No city may receive more than thirty percent of all moneys
7 distributed under subsection (3) of this section.

8 (5) Notwithstanding other provisions of this section, the
9 distributions to any city that substantially decriminalizes or repeals
10 its criminal code after July 1, 1990, and that does not reimburse the
11 county for costs associated with criminal cases under RCW 3.50.800 or
12 3.50.805(2), shall be made to the county in which the city is located.

13 (6) Moneys distributed under this section shall be expended
14 exclusively for criminal justice purposes and shall not be used to
15 replace or supplant existing funding. Criminal justice purposes are
16 defined as activities that substantially assist the criminal justice
17 system, which may include circumstances where ancillary benefit to the
18 civil justice system occurs, and which includes domestic violence
19 services such as those provided by domestic violence programs,
20 community advocates, and legal advocates, as defined in RCW 70.123.020.
21 Existing funding for purposes of this subsection is defined as calendar
22 year 1989 actual operating expenditures for criminal justice purposes.
23 Calendar year 1989 actual operating expenditures for criminal justice
24 purposes exclude the following: Expenditures for extraordinary events
25 not likely to reoccur, changes in contract provisions for criminal
26 justice services, beyond the control of the local jurisdiction
27 receiving the services, and major nonrecurring capital expenditures.

28 **Sec. 13.** RCW 82.44.110 and 1993 sp.s. c 21 s 7 and 1993 c 492 s
29 253 are each reenacted and amended to read as follows:

30 The county auditor shall regularly, when remitting license fee
31 receipts, pay over and account to the director of licensing for the
32 excise taxes collected under the provisions of this chapter. The
33 director shall forthwith transmit the excise taxes to the state
34 treasurer.

35 (1) The state treasurer shall deposit the excise taxes collected
36 under RCW 82.44.020(1) as follows:

1 (a) 1.60 percent into the motor vehicle fund to defray
2 administrative and other expenses incurred by the department in the
3 collection of the excise tax.

4 (b) 8.15 percent into the Puget Sound capital construction account
5 in the motor vehicle fund.

6 (c) 4.07 percent into the Puget Sound ferry operations account in
7 the motor vehicle fund.

8 (d) 5.88 percent into the general fund to be distributed under RCW
9 82.44.155.

10 (e) 4.75 percent into the municipal sales and use tax equalization
11 account in the general fund created in RCW 82.14.210.

12 (f) 1.60 percent into the county sales and use tax equalization
13 account in the general fund created in RCW 82.14.200.

14 (g) 62.6440 percent into the general fund through June 30, 1995,
15 and 57.6440 percent into the general fund beginning July 1, 1995.

16 (h) 5 percent into the transportation fund created in RCW 82.44.180
17 beginning July 1, 1995.

18 (i) 5.9686 percent into the county criminal justice assistance
19 account created in RCW 82.14.310.

20 (j) 1.1937 percent into the municipal criminal justice assistance
21 account for distribution under RCW 82.14.320.

22 (k) 1.1937 percent into the municipal criminal justice assistance
23 account for distribution under RCW 82.14.330.

24 (l) 2.95 percent into the general fund to be distributed by the
25 state treasurer to county health departments to be used exclusively for
26 public health. The state treasurer shall distribute these funds
27 proportionately among the counties based on population as determined by
28 the most recent United States census.

29 Notwithstanding (i) through (k) of this subsection, no more than
30 sixty million dollars shall be deposited into the accounts specified in
31 (i) through (k) of this subsection for the period January 1, 1994,
32 through June 30, 1995. Not more than five percent of the funds
33 deposited to these accounts shall be available for appropriations for
34 enhancements to the state patrol crime laboratory system and the
35 continuing costs related to these enhancements. For the fiscal year
36 ending June 30, 1998, and for each fiscal year thereafter, the amounts
37 deposited into the accounts specified in (i) through (k) of this
38 subsection shall not increase by more than the amounts deposited into
39 those accounts in the previous fiscal year increased by the implicit

1 price deflator for the previous fiscal year. Any revenues in excess of
2 this amount shall be deposited into the general fund.

3 Motor vehicle excise tax funds shall not supplant existing funds
4 from the state general fund.

5 (2) The state treasurer shall deposit the excise taxes collected
6 under RCW 82.44.020(2) into the transportation fund.

7 (3) The state treasurer shall deposit the excise tax imposed by RCW
8 82.44.020(3) into the air pollution control account created by RCW
9 70.94.015.

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